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**DECISION  
GRAFTON PLANNING BOARD  
  
DEFINITIVE SUBDIVISION PLAN  
"MEADOWBROOK MANOR" SUBDIVISION**

**15 Meadowbrook Road Grafton, MA  
(Assessor's Map 67, Lot 11)**

Decision of the Grafton Planning Board (herein after the Board) on the petition of Sugar Realty Trust, c/o Robert G. Flynn, Sr. and Madeline Flynn, 15 Meadowbrook Road, Grafton, MA 01519 (hereinafter the Applicant / Owner), for approval of a Definitive Subdivision Plan for a 2 lot Conventional Development Residential Subdivision on property located at 15 Meadowbrook Road, and shown as Grafton Assessor's Map 67, Lot 11 (hereinafter the Site) by deed recorded in the Worcester District Registry of Deeds (WDRD) in Book 45004, Page 398.

**I. BACKGROUND**

The application for Approval of a Definitive Subdivision Plan (DP2019-2) (hereinafter Application) was filed with the Town Clerk on April 2, 2019. Notice of the public hearing and the subject matter thereof was published in the Grafton News on April 18 & April 25, 2019. Abutters were notified by First Class Mail. The public hearing on the Application was opened on May 6, 2019 and continued, at the request of the applicant with concurrence of the Board to May 20, June 10, and June 24, 2019. During the public hearings, all those wishing to speak to the petition were heard. Following public input, the hearing was closed on June 24, 2019.

The following Board members were present throughout the public hearing on May 6 and May 20, 2019: Chairman Robert Hassinger, Vice Chairman Linda Hassinger, Clerk Sharon Carroll-Tidman, and Member David Robbins. For the hearings held following May 20, 2019 and for the deliberation on the decision, the following members were present: Chairman Robert Hassinger, Vice Chairman Linda Hassinger, and Member David Robbins. Present for the Applicant was Andrew Baum, PE, Summit Engineering & Survey, Inc. The record of the proceedings and submissions upon which this decision is based may be referred to in the Office of the Town Clerk or in the Office of the Planning Board.

**II. EXHIBITS**

The following items were submitted to the Board for its consideration of this application:

1. Original Application Submission, received April 2, 2019 to include the following;
  - a. Application for Approval of a Definitive Plan, signed by Robert G. Flynn, Sr., dated March 14, 2019, date stamped by the Town Clerk on April 2, 2019, and date stamped by Planning on April 2, 2019, 1 page.
  - b. Application for Approval of a Definitive Plan: Area within a Subdivision, date stamped by Planning on April 2, 2019, 1 page.

- c. Application for Approval of a Definitive Plan: Engineer's Certificate, signed by Andrew Baum, PE, Summit Engineering & Survey, Inc., dated March 14, 2019, and dated stamped by Planning on April 2, 2019, 1 page.
- d. Application for Approval of a Definitive Plan: Land Surveyor's Certificate, signed by James P. Smith, PLS, Summit Engineering Survey, Inc., dated March 14, 2019 and date stamped by Planning on April 2, 2019, 1 page.
- e. Application for Approval of a Definitive Plan: Verification of Proposed Street names, signed by Normand Crepeau, Jr., Grafton Police Chief, dated February 26, 2019 and date stamped by Planning on April 2, 2019, 1 page.
- f. Certificate of Good Standing, signed by Amy Perkins, Treasurer/Collector, dated March 28, 2019, and date stamped by Planning on April 2, 2019, 1 page.
- g. Abutters Listing for 15 Meadowbrook Road, dated January 1, 2019 and signed by Tammy Kalinowski, Office Manager, and date stamped by Planning on April 2, 2019, 1 page.
- h. Project Information Summary (PIS), dated March 14, 2019, and dated stamped by Planning on April 2, 2019, 11 pages.
- i. Photos: four color photos of test pits, date stamped by Planning on April 2, 2019, 2 pages.
- j. Letter to the Planning Board regarding "Waiver Request to accompany Application for Approval of Definitive Subdivision Plan," signed by Andrew Baum, PE, dated April 2, 2019 and date stamped by Planning on April 2, 2019, 3 pages.
2. Plan Set: "The Definitive Subdivision Plan of 'Meadowbrook Manor'," dated March 14, 2019, prepared by Summit Engineering & Survey, Inc., and received by Planning on April 2, 2019, 7 sheets (24"X36").
3. Report: "Stormwater Management Submittal for Meadowbrook Manor, Grafton, Massachusetts," dated February 24, 2019, prepared by Summit Engineering & Survey Inc., and date stamped by Planning on April 2, 2019, 78 pages.
4. Email from Leah Cameron, Conservation Commission, dated April 10, 2019 and date stamped by Planning on April 10, 2019, 1 page.
5. Public Hearing Notice, date stamped by the Town Clerk on April 11, 2019, 1 page.
6. Memorandum from Julie VanArsdalen, Regional Public Health Coordinator, Central Mass. Regional Public Health Alliance / Grafton Board of Health, dated April 11, 2019 and date stamped by Planning on April 11, 2019, 1 page.
7. Email from Brian Szczurko, Engineering / Department of Public Works, dated May 2, 2019 and date stamped by Planning on May 2, 2019, 1 page.
8. Report: Letter regarding "'Meadowbrook Manor,' 15 Meadowbrook Road, Definitive Plan Review," dated May 3, 2019, addressed to Joseph Laydon, Town Planner, from Jeffrey M. Walsh, P.E., Principal, Graves Engineering, Inc. and date stamped by Planning on May 3, 2019, 4 pages.
9. Public Hearing Sign-In Sheet dated May 6, 2019, 1 page.
10. "Public Hearing Continuance" request, dated May 6, 2019, signed by Andrew Baum, agent, and date stamped by Planning on May 6, 2019, 1 page.
11. Annotated response to Graves Engineering, Inc. peer review, by Andrew Baum, P.E., Summit Engineering & Survey, Inc., on letter dated May 3, 2019, regarding "'Meadowbrook Manor' 15

Meadowbrook Road, Definitive Plan Review," and date stamped by Planning on May 16, 2019, 5 pages.

12. Letter regarding "Waiver Request to accompany Application for Approval of Definitive Subdivision Plan, Meadowbrook Manor, 15 Meadowbrook Road, Assessor Map 67, Lot 11," addressed to the Planning Board, from Andrew Baum, PE, Summit Engineering & Survey, Inc., dated May 13, 2019 and date stamped by Planning on May 16, 2019, 3 pages.
13. Report: "Stormwater Management Submittal for Meadowbrook Manor," prepared by Summit Engineering & Survey, Inc., dated February 24, 2019, revised on May 7, 2019, and date stamped by Planning on May 16, 2019, 92 pages.
14. Plan Set: "The Definitive Subdivision Plan of 'Meadowbrook Manor'," dated March 14, 2019, revised May 13, 2019, prepared by Summit Engineering & Survey, Inc., and received by Planning on May 16, 2019, 7 sheets (24"X36").
15. Report: Letter regarding "'Meadowbrook Manor,' 15 Meadowbrook Road, Definitive Plan Review," dated May 20, 2019, addressed to Joseph Laydon, Town Planner, from Jeffrey M. Walsh, P.E., Principal, Graves Engineering, Inc. and date stamped by Planning on May 20, 2019, 5 pages.
16. Public Hearing Sign-In Sheet dated May 20, 2019, 1 page.
17. "Public Hearing Continuance" request, dated May 20, 2019, signed by Andrew Baum, agent, and date stamped by Planning on May 20, 2019, 1 page.
18. Plan Set: "The Definitive Subdivision Plan of 'Meadowbrook Manor'," dated March 14, 2019, revised May 13, 2019 and June 4, 2019, prepared by Summit Engineering & Survey, Inc., and received by Planning on June 5, 2019, 7 sheets (24"X36").
19. Report: Letter regarding "'Meadowbrook Manor,' 15 Meadowbrook Road, Definitive Plan Review," dated June 10, 2019, addressed to Joseph Laydon, Town Planner, from Jeffrey M. Walsh, P.E., Principal, Graves Engineering, Inc. and date stamped by Planning on June 10, 2019, 3 pages.
20. "Public Hearing Continuance" request, dated June 10, 2019, signed by Andrew Baum, agent, and date stamped by Planning on June 10, 2019, 1 page.
21. "Public Hearing Continuance" request, dated June 11, 2019, signed by Robert G. Flynn, Sr., and date stamped by Planning on June 11, 2019, 1 page.
22. Email from Steve Charest, Fire Department, dated June 20, 2019 and date stamped by Planning on June 21, 2019, 1 page.
23. Public Hearing Sign-In Sheet, dated June 24, 2019, 1 page

### **III. FINDINGS**

At their meeting of June 24, 2019, after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by Mr. Hassinger, seconded by Mrs. Hassinger) voted 3-0 to make the following findings:

1. That this application is for a three (3) lot Definitive Subdivision Plan located at 15 Meadowbrook Road, Grafton and will include the existing residential unit with horse barn and enclosure and two new single-family lots.

2. That the subject Site is located in a Residential (R-40) zoning districts, as shown on the Plans identified within the EXHIBITS of this Decision. The proposed subdivision is located entirely within the R-40 zone.
3. The construction of the subdivision requires onsite septic and well.
4. That the Plan contained a “Fire Truck Approach Detail” on sheet 5 of 7 identifying 0.37 feet of clearance between the rear overhang of the Town’s Ladder Truck and Meadowbrook Road (Exhibit 18).
5. The Fire Department (Exhibit 22) supported a condition that a site visit be conducted with the Town’s Ladder Truck (Tower 1) prior to paving to verify ground clearance on Meadowbrook Road.
6. That determinations regarding the following findings are based upon the Plans identified in this Decision, as well as the information and material submitted and presented in association with the Application.
7. That determinations regarding the following findings are also predicated upon satisfactory completion of all road and other related improvements shown on the Plans in accordance with *Rules and Regulations Governing the Subdivision of Land: Grafton, Massachusetts*, revised through 4/27/09 (hereinafter *Rules and Regulations*), except where modified by this Decision, as well as in accordance with all applicable Federal, State and other Local regulations.
8. That determinations regarding the following findings are also predicated upon satisfying all the conditions stated within this Decision.
9. That the Applicant requested waivers from the following Sections of the *Rules and Regulations*:
  - **Section 3.3.2.1** – Project Plan and Existing Conditions Plan will fit on a 1” = 50” scale plan and legibility of the existing/proposed conditions is not impaired by proposed scale change.
  - **Section 3.3.4.1** – Given the size of the development (3 lots total) and large size of the parcel, the Environmental and Community impacts of the project will be minimal.
  - **Section 4.1.3.3** – The existing property line controls layout.
  - **Section 4.1.3.5** – Existing property line controls layout.
  - **Section 4.1.3.7** – Existing property line and paved way control layout.
  - **Section 4.1.4.2(a)** – Existing roadway pavement limits feasible widening. Will widen one side to a total width of 20 feet similar to common driveways.
  - **Section 4.1.5.3** – The grades and vertical curves exist along the existing roadway layout.
  - **Section 4.1.5.6(a)** – Existing roadway pavement limits feasible widening.
  - **Section 4.1.6.5** – Roadway easement would be in excess of 650 feet long and traverse the property at 15 Meadowbrook Road and would not access an area which development would be feasible due to steep slopes along Pigeon Hill Road.
  - **Section 4.2.1.2** – Expensive to install, prevents open drainage concept for managing surface water runoff and treatment.

- **Section 4.2.2** – Concept involves open channel drainage. Curbs would not permit swale treatment of runoff.
  - **Section 4.7.3.3** – Public water supply is located within 2,000 feet of the development on Pigeon Hill Road and would require an installation across private property not in control of applicant. The installation of a waterline in public streets would require the installation of approximately 3,000 linear feet of a dead end line to service the three lots.
  - **Section 4.7.6** – Subdivision serves only three (3) single family lots. Area is existing rural setting without street lights.
  - **Section 4.9.1** - Subdivision serves only three (3) single family lots. Area is existing rural setting without sidewalks.
  - **Section 4.9.4** – Existing property line restricts layout.
10. That the data submitted satisfies the requirements of Section 3.3.1 of the *Rules and Regulations* regarding submission of a Definitive Plan.
11. That the data submitted satisfies the requirements of Section 3.3.2 of the *Rules and Regulations* regarding Plan Sheets.
12. That the materials and information submitted satisfy the requirements of Section 3.3.3 of the *Rules and Regulations* regarding Definitive Plan Contents.
13. That the materials and information submitted satisfy the requirements of Section 3.3.4 of the *Rules and Regulations* regarding Additional Submittal Requirements.

#### **IV. WAIVERS**

At their meeting of June 24, 2019 after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by Mr. Hassinger, seconded by Mrs. Hassinger) voted 3-0 to **grant** the Applicant's request for waivers of strict compliance to the following sections:

- **Section 3.3.2.1** – Project Plan and Existing Conditions Plan will fit on a 1" = 50" scale plan and legibility of the existing/proposed conditions is not impaired by proposed scale change.
- **Section 3.3.4.1** – Given the size of the development (3 lots total) and large size of the parcel, the Environmental and Community impacts of the project will be minimal.
- **Section 4.1.3.3** – The existing property line controls layout.
- **Section 4.1.3.5** – Existing property line controls layout.
- **Section 4.1.3.7** – Existing property line and paved way control layout.
- **Section 4.1.4.2(a)** – Existing roadway pavement limits feasible widening. Will widen one side to a total width of 20 feet similar to common driveways.
- **Section 4.1.5.3** – The grades and vertical curves exist along the existing roadway layout.
- **Section 4.1.5.6(a)** – Existing roadway pavement limits feasible widening.

- **Section 4.1.6.5** – Roadway easement would be in excess of 650 feet long and traverse the property at 15 Meadowbrook Road and would not access an area which development would be feasible due to steep slopes along Pigeon Hill Road.
- **Section 4.2.1.2** – Expensive to install, prevents open drainage concept for managing surface water runoff and treatment.
- **Section 4.2.2** – Concept involves open channel drainage. Curbs would not permit swale treatment of runoff.
- **Section 4.7.3.3** – Public water supply is located within 2,000 feet of the development on Pigeon Hill Road and would require an installation across private property not in control of applicant. The installation of a waterline in public streets would require the installation of approximately 3,000 linear feet of a dead end line to service the three lots.
- **Section 4.7.6** – Subdivision serves only three (3) single family lots. Area is existing rural setting without streetlights.
- **Section 4.9.1** - Subdivision serves only three (3) single family lots. Area is existing rural setting without sidewalks.
- **Section 4.9.4** – Existing property line restricts layout.

## **V. DECISION and CONDITIONS**

At their meeting of June 24, 2019, after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by Mr. Hassinger, seconded by Mrs. Hassinger) voted 3-0 to **approve** the Application for Approval of a Definitive Subdivision Plan with the following conditions:

### **A. Standard Conditions**

1. This Approval is for a three-lot single family residential development consistent with the plans submitted as Exhibit 18. The subdivision road is to remain private and shall not be eligible for Town Acceptance unless improved to Standards established in the Board's Subdivision Rules and Regulations.
2. This Approval shall not be construed as approving the buildability of any lots shown on the Plans. All applicable Federal, State or other Local permits/approvals must be obtained for each lot prior to construction on said lot.
3. This Approval shall not be construed as final approval of any on- or off-site improvements or work (such as water, sewer, drainage, or other utilities installation) associated with this project and shown on the Plans. All applicable Federal, State and Local approvals/permits shall be obtained by the Applicant prior to the construction of any portion of the development or off-site improvements that warrant such approvals/permits. All applicable requirements of the Grafton Board of Health, Grafton Police Department, Grafton Department of Public Works, and all other applicable utilities, are hereby incorporated by reference as a requirement of this Decision.
4. Any modification to the approved Plans shall require, prior to implementing such change, a determination from the Planning Board as to whether the proposed change is substantially

different than presented in the materials and information used in making this Decision. The Planning Board reserves the right to solicit comments from other Town boards, departments and committees, as well as its consulting engineer, in making determinations regarding such changes. The Planning Board may, upon its determination, require a modification of this Decision if it finds that the proposed changes are substantial in nature and of public concern, and substantially alter the plans and information used in making this Decision. Any Modification of this Decision shall be made pursuant to Section 3.3 of the *Subdivision Rules and Regulations*.

5. The Planning Board reserves the right, pursuant to the *Subdivision Rules and Regulations* and Section 1.5.1.1 of the Zoning By-Law, to utilize the services of a professional engineer in reviewing any materials required to be submitted as conditions of this Decision, and conducting any inspections or other work associated with the construction of the subdivision. In accordance with the applicable sections of the *Subdivision Rules and Regulations* and the ZBL, any fees or expenses associated with such reviews and inspections shall be the responsibility of the Applicant. Such inspections or reviews will not be conducted if a zero or negative balance exists in any account established by the Planning Board for the purposes stated in this Condition.
6. All site development and construction shall be performed in accordance with the approved Plans and the *Rules and Regulations Governing the Subdivision of Land: Grafton, Massachusetts* (revised through 4/27/09), as well as with all applicable Federal, State and Town laws, ordinances and regulations. In the event of a discrepancy between the Plans and the *Rules and Regulations*, and absent clarification or approval of such discrepancy stated within the Findings or Conditions of this Decision or any related Special Permit, the requirements of the *Rules and Regulations* shall apply. All required permits and approvals shall be secured by the Applicant at the appropriate stage of construction and copies of all pertinent documents regarding said permits and approvals shall be filed with the Planning Board in a timely manner.
7. Construction of the improvements shown on the Plans approved as part of this Decision is subject to approval by the Grafton Conservation Commission. Any Order of Conditions and/or permits issued by the Conservation Commission with respect to this Application are hereby incorporated by reference and shall constitute a condition of this Decision. If such Order of Conditions and/or permits require substantial modifications to any of the plans approved by the Planning Board, the Board may, upon its determination, require a modification of this Decision if it finds that the proposed changes are substantial in nature and of public concern, and substantially alter the plans and information used in making this Decision. Any modification of this Decision shall be made pursuant to Section 3.3 of the *Rules and Regulations*, and as noted within the Conditions of this Decision.
8. All grading and construction shall be performed in accordance with the Plan, as well as all applicable Federal, State and Local regulations, and shall be accomplished so as not to discharge any non-permitted pollutants or siltation into waterways during construction or after completion of the subdivision.
9. The Applicant, their successors and assigns, will not sell any lot in the subdivision or erect or place any permanent building on any such lot until the construction of ways and municipal services necessary to adequately serve such lot has been completed in accordance with the approved Plans and the *Rules and Regulations*. In the event of a discrepancy between the Plans

and the *Rules and Regulations*, and absent clarification or approval of such discrepancy stated within the Findings or Conditions of this Decision, the requirements of the *Rules and Regulations* shall apply.

10. The Definitive Plan, comprising of all sheets identified in Exhibit 2 as revised by Exhibit 18, shall be submitted for endorsement within six (6) months following approval. Said Plans shall be recorded at the WDRD.
11. This Definitive Plan Approval Decision shall be recorded in the Worcester District Registry of Deeds (WDRD) prior to any ongoing Town review and / or peer review associated with conditions set forth in this Decision. The Applicant shall submit evidence to the Planning Board that this Decision has been recorded at the WDRD, including a copy of such recording bearing the WDRD Book and Page Number and/or Instrument Number within ten (10) days of recording. Any such Plan(s) submitted to the Planning Board for approval shall contain reference to this Decision, as well as other related approvals, indicating that such plans are prepared pursuant to said Decision(s)/Approval(s) and shall include WDRD recording information, including Book and Page numbers. By recording this Definitive Plan Approval Decision in the Worcester District Registry of Deeds, the Applicant agrees to and accepts the conditions set forth in this Decision, and which acceptance shall bind the Applicant and its successors and assigns.
12. All construction and site improvements shall be completed within two years of the date of plan endorsement or thirty (30) months from the date of this Decision, whichever occurs sooner. This Decision shall lapse after said applicable time period, and no other work may occur, and the subdivision approval shall be deemed automatically rescinded unless the Planning Board grants an extension pursuant to the *Subdivision Rules and Regulations*. Requests for extensions shall require a public hearing in accordance with all applicable requirements for conducting such hearings.
13. Any inability or failure or refusal by the Applicant to comply with the Conditions of this Decision, when notified of failure of compliance, shall be grounds for the immediate denial of building, construction or occupancy permits with respect to this project.

**B. Conditions to be met prior to Plan Endorsement**

1. The Conditions set forth in this Decision shall be inscribed on a sheet of the Plans suitable for recording at the Worcester Registry of Deeds (WDRD). Such sheets shall be so recorded as part of the Definitive Plan. Reference to these Conditions, as well as the WDRD Book and Page number of the recorded Decision and the corresponding sheet numbers shall also be inscribed on any sheet(s) that do not contain the Conditions of Approval.
2. The Applicant / Developer shall provide a performance guarantee pursuant to Section 3.3.8 of the Subdivision Rules and Regulations which state: "Construction and installation within the site property shall be secured by one, or in part by one and part by another, of the following methods which may, from time to time, be varied by the Applicant. Said security shall be posted and approved by the Planning Board prior to the construction, installation or sale of lots. Construction and installation within existing street right-of-ways shall be secured by surety as required under the Street Opening and / or other Permit(s)."



3. All applicable requirements of Section 3.3.7 of the *Rules and Regulations Governing the Subdivision of Land: Grafton, Massachusetts* (revised through 4/27/09) shall be satisfied.

**C. Conditions to be satisfied prior to the Start of Any Construction Activity**

1. Prior to the commencement of work, the Planning Board shall be provided with the following:
  - a. Five (5) full size plan sets, 24" x 36", endorsed and recorded, one of which shall be sent directly to the Town's peer review consulting engineer.
  - b. An electronic copy of the endorsed and recorded plan set. The electronic copy shall be in a "PDF" compatible format.
  - c. An electronic copy of the Lotting Plan in a format compatible for import to the Town's GIS system as specified by Planning Department Staff.
2. The Applicant / Developer shall submit acceptable construction and maintenance schedule documents in accordance with Section 3.3.7.3 of the the Subdivison Rules and Reguations.
3. Prior to commencement of work, a pre-construction meeting shall occur with reprepresentatives from the Applicant and appropriate Town Departments/ Board's. The Applicant shall contact the Planning Department to arrange the pre-construction meeting.
4. In advance of any site clearing associated with each construction phase, the Applicant / Developer and/or its Agent shall participate in a site walk with the Town Planner to determine if any Heritage Trees exist on site as defined under Article 33 – Shade Tree of the Town's General By-Laws. Trees on site identified as such shall have orange snow fencing around them. Fencing shall be inspected by the Town Planner and Tree Warden and will receive written approval thereof prior to the commencement of construction activity on site. The Developer shall maintain fencing throughout the construction of the development. The fencing shall be inspected periodically by the Board or it's Agent to ensure compliance
5. An initial inspection of erosion control /site stabilization measures for each phase of construction shall be performed by agent(s) of both the Planning Board and Conservation Commisison in the presence of a representative of the Applicant / Developer, and notice of such inspection forwarded to both Boards. No construction activity shall occur on the Site until the Applicant / Developer receives written authorization from both the Planning Board and Conservation Commission regarding the adequacy of the initial erosion control and site stabilization measures for each phase. The Planning Board reserves the right to require additional eroison control/site stabilization measures at any time during the construction process should the Planning Board, Conservation Commission, or their agent(s) deem such measures necessary. The Applicant / Developer shall be notified in writing of the necessity for such additional measures, and shall complete all such requirements within ten (10) days of receiving said notice, or other time as may be agreed upon by both the Planning Board and Conservation Conservation Commission.
6. Prior to commencing any work within a public way, all required permits / approvals shall be obtained from the Grafton Department of Public Works.
7. In accordance with the National Pollutant Discharge Elimination System (NPDES) Phase II requirements, a Stormwater Pollution Prevention Plan shall be maintained at all times on the Site by the Applicant / Developer. A copy of this document shall be forwarded to the Planning

Board, Conservation Commission and Department of Public Works prior to commencing any construction activity.

**D. Conditions to be met During Construction**

1. Construction and installation of the roadway and municipal services shall only occur Monday through Saturday between the hours of 7:00 a.m. and 5:00 p.m., and there shall be no construction activity on State or Federal holidays.
2. The Site shall be inspected on a regular basis by an agent of the Planning Board and/or Conservation Commission in the presence of a representative of the Applicant / Developer, in order to monitor the stormwater management system/facilities and erosion control/site stabilization measures.
3. All site construction, development and improvements shall be inspected at the appropriate stage(s) of construction by the Planning Board or its agent upon request made by the Applicant to the Planning Board or its agent, in accordance with any policies for such requests.
4. Except as otherwise approved by the Planning Board or modified as part of this Definitive Plan Approval Decision, all driveways, roadways, utilities and other improvements shall conform to the construction standards of the *Subdivision Rules and Regulations*. All site improvements shall be inspected at the appropriate stage of construction in accordance with the *Rules and Regulations* and as required by the Board.
5. During clearing operations, all efforts will be taken to retain trees within the development. Trees along lot lines and adjacent to the right-of-way shall be examined during site inspections for being preserved where grading changes are minimal.
6. Prior to clearing activities for subsequent construction phases, the agent of the Planning Board shall conduct an inspection to ensure that the previous phase is stabilized and/or erosion controls are in place. Written authorization shall be provided following such inspections.
7. Every effort will be made to ensure that screening and buffering measures shall sufficiently screen/buffer, to the satisfaction of the Board, the proposed development from surrounding properties and dwellings.
8. In no case shall additional filling or land disturbance occur that results in a steeper slope or a slope that encroaches on the roadway to a greater degree than shown on the plans without the expressed prior approval of the Planning Board.
9. The Town reserves the right to require reasonable additional construction techniques, for either on-site or off-site work, in response to actual field conditions, effects of construction methods and as the situation warrants. This may include, without limitation, earth work, purchase and installation of materials, infrastructure, etc., and lot drainage issues.
10. Driveway slopes, both within and outside the right-of-way shall comply with the *Subdivision Rules and Regulations*, and development of individual lots shall not cause detrimental drainage, erosion or sedimentation onto adjacent property, roadways or lots. Driveways shall not exceed 10% in slope without prior approval by the Planning Department and Fire Department.

11. All construction vehicles and vehicles of all workers are to be parked on site. Parking of construction vehicles on Meadowbrook Road is specifically prohibited, except during the period of the initial clearing of the property.
12. The Applicant shall take all necessary measures to minimize dust from rising and blowing across the site and onto roads and adjacent properties. Any sediment or dirt tracked onto public ways shall be swept prior to the end of the construction day.
13. Once the plant materials associated with the approved tree plan have arrived on site and prior to their installation, the Planning Board's agent shall be contacted to arrange an inspection and to approve the size, quantity and species of plant materials prior to their installation in the ground. Minimal changes to the exact location of species and plant materials may be approved by the Town Planner upon consultation with the Tree Warden provided the intent of the material is maintained.
14. The Applicant shall arrange for the Fire Department to conduct a site inspection prior to the paving of the base course of pavement to inspect for adequacy of ground clearance for the appropriate fire response vehicle (Findings #4 and #5). A second site inspection shall occur prior to the final paving of the road to verify ground clearance and the Fire Department may inspect following final paving to ensure clearance.

**E. Conditions to be met prior to Release of Lots or Reduction of Surety**

1. The Applicant shall submit a Tree Planting Narrative detailing the species of tree to be planted as a buffer between Lot 1 and the property at 17 Meadowbrook Road. The species of tree shall require approval by the Board and/or its Agent and the Tree Warden.
2. All stormwater management facilities and associated structures, including pipe, loaming, and seeding, shall be completed, and stormwater runoff suitably controlled, to the satisfaction of the Planning Board prior to the release of any lot within that portion of the subdivision.

**F. Conditions to be met prior to the Issuance of either a Temporary or Permanent Occupancy Permit**

1. The Building Inspector shall require proof of the following in consultation with the Town Planner:
  - a. A valid and duly recorded Lot Release documentation for said lot in question.
  - b. Documentation by the Town Planner that the required trees have been planted.

**G. Conditions to be met prior to Request for Determination of Completeness**

1. Prior to the final release of security for the private way and improvements, a determination shall be made by the Planning Board, through its designated consulting engineer, as to whether the detention basins, rain gardens, as well as all other improvements, are constructed and operate as designed on the approved plan(s). If a negative determination is made, the Applicant shall, at their own expense, remedy any and all deficiencies to the satisfaction of the Board.

## **VI. RECORD OF VOTE**

At their meeting of June 24, 2019, after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by Mr. Hassinger, seconded by Mrs. Hassinger) voted 3-0 to **approve** the Application for Approval of a Definitive Subdivision Plan for a 3 Lot, Definitive Subdivision with Conditions based on the information received at the public hearing and the aforementioned findings.

<u>David Robbins, Chairman</u>	<u>AYE</u>	<u>Linda Hassinger, Member</u>	<u>AYE</u>
<u>Robert Hassinger, Vice Chairman</u>	<u>AYE</u>		

**DATE OF FILING OF DECISION:**

**BY ORDER OF THE BOARD**

  
Joseph Laydon, Town Planner

6-26-2019  
Date

cc: Applicant / Owner

- |                           |                              |                      |
|---------------------------|------------------------------|----------------------|
| • Graves Engineering      | • Building Inspector         | • Board of Assessors |
| • Assistant Town Engineer | • Conservation<br>Commission |                      |

**To Whom It May Concern:** This is to certify and verify that twenty (20) days have elapsed since this decision was filed in the Town Clerk's office and that no appeals have been filed in reference to same, or that, if such appeal has been filed, it has been dismissed or denied.

\_\_\_\_\_  
Kandy Lavallee, Town Clerk

\_\_\_\_\_  
Date